

774

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HONEYWELL INTERNATIONAL INC.
and HONEYWELL INTELLECTUAL
PROPERTIES INC.,

Plaintiffs,

v.

SEIKO EPSON CORPORATION
and EPSON IMAGING DEVICES
CORPORATION,

Defendants.

C.A. No. 04-1338-***
(Consolidated)

STIPULATION AND ORDER OF DISMISSAL

WHEREAS, the Court being advised that the Plaintiffs have settled and resolved their differences with Defendants SEIKO EPSON CORPORATION and EPSON IMAGING DEVICES CORPORATION (including its predecessor, Sanyo Epson Imaging Devices Corp.), and have entered into an Agreement setting out the terms and conditions of the settlement, having an effective date of April 4, 2007 ("Agreement"), and as part of that Agreement have consented to the entry of an Order approving this Stipulation;

AND WHEREAS pursuant to 28 U.S.C. § 636 Plaintiffs and Defendants SEIKO EPSON and EPSON IMAGING DEVICES (together the "Parties") hereby consent to the jurisdiction of United States Magistrate Judge Mary Pat Thyng: (1) with respect to those claims brought in this action by Plaintiffs against Defendants SEIKO EPSON CORPORATION and EPSON IMAGING DEVICES CORPORATION and not with respect to any other claim brought by Plaintiffs in this action; and (2) for the purpose of interpreting and enforcing the Agreement;

NOW THEREFORE, upon the consent of the Parties hereto, it is hereby Ordered, Adjudged and Decreed that:

1. This Court has jurisdiction over the subject matter of, and the Parties, to this action and venue is properly laid.

2. The Court shall retain and hereby retains continuing exclusive jurisdiction over the Parties and the subject matter hereto for the purpose of interpreting and enforcing the Agreement.

3. As a result of the Agreement, Defendants SEIKO EPSON and EPSON IMAGING DEVICES no longer have an interest in the subject matter of this action and therefore are hereby dismissed as Defendants in this action. Further, Plaintiffs are hereby dismissed as Cross-Defendants for all claims alleged against Plaintiffs by Cross-Plaintiff SEIKO EPSON CORPORATION.

4. Each Party hereto shall bear its own costs and attorneys' fees incurred in this action.

MORRIS, NICHOLS, ARSHT
& TUNNELL LLP

/s/ Leslie A. Polizoti

Thomas C. Grimm (#1098)
Leslie A. Polizoti (#4299)
Maria Granovsky (#4709)
1201 N. Market Street
P.O. Box 1347
Wilmington, DE 19899-1347
(302) 658-9200
tgrimm@mnat.com
lpolizoti@mnat.com
mgranovsky@mnat.com
*Attorneys for Honeywell International Inc.
and Honeywell Intellectual Properties Inc.
in Civil Action No. 04-1338-****

SMITH, KATZENSTEIN & FURLOW LLP

/s/ Robert J. Katzenstein

Robert J. Katzenstein (#378)
Robert Karl Beste, III (#3931)
800 Delaware Avenue, 7th Floor
P.O. Box 410
Wilmington, DE 19899
(302) 652-8400
rjk@skfdelaware.com
rkb@skfdelaware.com
*Attorneys for Defendants Seiko Epson
Corporation and Epson Imaging Devices
Corporation*

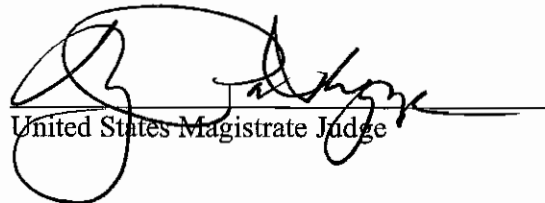
ASHBY & GEDDES

/s/ Lauren E. Maguire

Steven J. Balick (#2114)
John G. Day (#2403)
Lauren E. Maguire (#4261)
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, DE 19899
(302) 654-1888
sbalick@ashby-geddes.com
jday@ashby-geddes.com
lmaguire@ashby-geddes.com
*Attorneys for Honeywell International Inc.
and Honeywell Intellectual Properties Inc.
in Civil Action No. 04-1337-****

Dated: April 23, 2007

SO ORDERED this 24 day of April, 2007.



United States Magistrate Judge

784363